

Application No. 10/813,117  
Amendment dated May 29, 2007  
After Final Office Action of February 26, 2007

Docket No.: 21064/1206589-US1

## REMARKS

### Response to Arguments

The Examiner states that the limitation "a property of providing RKKY coupling between the first intermediary layer and the third intermediary layer when the first intermediary layer and the third intermediary layer are magnetic layers" is not a positive limitation, but instead a hypothetical limitation as the claims actually require that the first or third intermediary layer is non-magnetic. In light of this position of the Examiner, the limitation "a property of providing RKKY coupling between the first intermediary layer and the third intermediary layer when the first intermediary layer and the third intermediary layer are magnetic layers" has been deleted from the pending claims.

### Claim Objections

Claims 6 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. The Examiner states that the closest prior art to Nolan fails to teach or suggest the claimed multi-layered intermediary structure in combination with a magnetic layer having a Cr-rich and a Cr-dilute layer containing specific amounts of Cr. As explained below, the limitations of claims 6 and 16 are now incorporated in claims 1 and 14, respectively, from which claims 6 and 16 depend from. Thus, claims 1 and 14 should now be allowable.

### Claim Rejection - 35 U.S.C. §102

Claims 1, 5, 7, 14, 17, 21 and 25 were rejected as being anticipated by Nolan. This rejection is respectfully traversed and should be withdrawn in light of this Amendment.

Claim 27 contains the limitation of allowable claim 6. Claims 5 and 7 depend from claim 2, which should be allowable as explained below. Claim 14 contains the limitation of

Application No. 10/813,117  
Amendment dated May 29, 2007  
After Final Office Action of February 26, 2007

Docket No.: 21064/1206589-US1

allowable claim 16. Claim 17 depends from claim 14, which should now be allowable. Claim 21 depends from claim 22, which should now be allowable as explained below. Claim 25 depends from claim 1, which should now be allowable.

**Claim Rejection - 35 U.S.C. §103**

Claims 2-4, 15 and 22 were rejected as being obvious over Nolan. This rejection is respectfully traversed.

Claim 2 is now re-written in an independent form. Nolan is a 102(e) prior art. Nolan is now issued as U.S. Patent No. 7,211,340. The assignee of Nolan is Seagate Technology LLC, which is the same as the assignee on the pending application. Thus, Nolan is not prior art under 35 USC 103(c) as “[s]ubject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.” See 35 USC 103(c)(1). Claims 3-5 and 7 depend from claim 2, which should now be allowable. Claims 15 and 22 should be allowable as explained above under “Claim Rejection - 35 U.S.C. §102.”

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: May 29, 2007

Respectfully submitted,

By Raj S. Dave  
Raj S. Dave

Registration No.: 42,465  
DARBY & DARBY P.C.  
P.O. Box 5257  
New York, New York 10150-5257  
(212) 527-7700  
(212) 527-7701 (Fax)  
Attorneys/Agents For Applicant